

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.4456 OF 2024

Budha Ratan Walvi	...Applicant
<i>Versus</i>	
The State of Maharashtra	...Respondent

Mr. Kuldeep U. Nikam a/w. Mr. Om N. Latpate and Mr. Samadhan H. Ghumare, Advocates, for the Applicant.
 Ms. Poonam P. Bhosale, APP, for the Respondent-State.

CORAM: MADHAV J. JAMDAR, J.
DATED : 19th NOVEMBER 2024

PC:-

1. Heard Mr. Nikam, learned Counsel for the Applicant and Ms. Bhosale, learned APP for the Respondent-State.

2. This regular Bail Application is preferred under Section 439 of the *Code of Criminal Procedure, 1973*.

3. The relevant details are as follows:-

1.	C. R. No.	92 of 2023
2.	Date of registration of F.I.R.	16/04/2023
3.	Name of Police Station	Wadivarhe, District-Nashik

4.	Section/s invoked	120B, 143, 147, 201, 302, 364, 506 read with 34 of the Indian Penal Code, 1860.
5.	Date of incident	15/04/2023
6.	Date of arrest	16/04/2023
7.	Date of filing of Charge-sheet	15/07/2023

4. As per the prosecution case, all the Accused along with their family members were working as labourers at a brick-kiln near village Wangewadi, Ghoti, Taluka-Igatpuri, District-Nashik. The deceased was in a relationship outside of marriage with the wife of Accused No.2. They eloped and the accused persons searched for them and brought them back at the brick-kiln. Due to the said relationship of the deceased and the wife of Accused No. 2, all the other Accused assaulted the deceased and the wife of Accused No.2 as a result of which the deceased succumbed to the injuries suffered in the said assault. The Applicant i.e. Accused No.1 is brother of Accused No.2.

5. It is the submission of Ms. Bhosale, learned APP that there are incriminating circumstances showing that the Applicant is involved in the crime. She submitted that the Applicant is last seen

together with the deceased. Therefore, she submitted that the Bail Application be rejected.

6. However, this is a case where the incident in question took place on 15th April 2023, the Applicant is arrested on 16th April 2023, charge-sheet is filed on 15th July 2023. Till date there is no progress in the trial and even the charge is also not framed. The trial is unlikely to conclude any time soon and is likely to take a considerably long time. The present Applicant does not have any criminal antecedents. The incident occurred as the deceased was having a relationship outside of marriage with the wife of Accused No.2 and both of them had eloped.

7. The Applicant does not appear to be at risk of flight.

8. There are no criminal antecedents against the present Applicant.

9. Accordingly, the Applicant can be enlarged on bail by imposing conditions. In view thereof, the following order:-

ORDER

- (a) The Applicant - Budha Ratan Walvi be released on bail in connection with C.R. No.92 of 2023 registered with the Wadivarhe Police Station, District - Nashik on his furnishing P.R. Bond of Rs.10,000/- with one or two sureties in the like amount.
- (b) On being released on bail, the Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.
- (c) The Applicant shall report to the Wadivarhe Police Station, District - Nashik once every month, on the first Sunday of the month between 11:00 a.m. and 01:00 p.m. till the conclusion of the trial.
- (d) The Applicant shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case so as to dissuade

such a person from disclosing the facts to the Court or to any Police personnel.

- (e) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.
- (f) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.
- (g) The Applicant shall surrender his passport, if any, to the Investigating Officer.

10. The Bail Application is disposed of accordingly.

11. It is clarified that the Trial Court shall decide the case on its merits, uninfluenced by the *prima facie* observations made in this order.

[MADHAV J. JAMDAR, J.]